

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**CRAWL SPACE DOOR SYSTEM, INC.,**

**Plaintiff,**

**v.**

**Case No. \_\_\_\_\_**

**FLOODPROOFING.COM, INC.**

**Defendant**

**Serve:**

**Registered Agent  
Michael J. Graham  
14255 US Highway One, Suite 221,  
Juno Beach, Florida, 33408**

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**COMPLAINT**

NOW COMES Plaintiff, Crawl Space Door System, Inc. (“CSD”) and for its Complaint against defendant Floodproofing.com, Inc. (“Floodproofing.com”), states as follows.

**NATURE OF THE ACTION**

1. This is a civil action for violations of the Lanham Act, 15 U.S.C. § 1125, in particular false advertising by Floodproofing.com related to CSD’s goods.

**PARTIES**

2. Plaintiff Crawl Space Door System, Inc. (“Crawl Space”) is a Virginia corporation with its principle office location at 5741 Bayside Road, #105, Virginia Beach, Va. 23455.

3. Defendant Floodproofing.com, Inc., (“Floodproofing.com”) is a Florida corporation

corporation with its principle office located at 14255 US Highway One, Suite 221, Juno Beach, Florida, 33408.

### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction under 28 USC § 1331 and 28 USC § 1337 as the claims herein arise under Federal Statute, particularly the Lanham Act, 15 USC § 1051 *et seq.* This Court also has subject matter jurisdiction under 28 USC § 1332 as there is complete diversity among the parties and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

5. Venue is proper in this district under 28 USC § 1391 as all defendants transact business in this venue.

### **INTERSTATE COMMERCE**

6. The products at issue in this case are sold in interstate commerce, and the unlawful activities alleged in this Complaint have occurred in, and have had a substantial effect upon, interstate commerce.

### **BACKGROUND**

7. Flood vents are devices intended to be installed in crawl spaces and the like. Flood vents allow flood water to pass through foundation and other building walls, thereby relieving water pressure against a structure to avoid structural damage during flood events.

8. The Federal Emergency Management Agency (“FEMA”) promulgates guidelines for flood vents, allowing flood vent manufacturers to claim that their products are “FEMA compliant” so long as their flood vents meet the FEMA guidelines.

9. The National Flood Insurance Program (“NFIP”) promulgates guidelines for flood

vents, allowing flood vent manufacturers to claim that their products are “NFIP compliant” so long as their flood vents meet the NFIP guidelines.

10. The use of FEMA and NFIP compliant flood vents allows the consumer to obtain significantly reduced flood insurance premiums.

### **FACTS**

11. Floodproofing.com (“Floodproofing.com”) was formed in April of 2018 in the state of Florida.

12. Floodproofing.com is a company that provides services, including training, recommendations for consumers purchasing flood vents, and other related goods and services in the flood prevention marketplace, regulatory, and inspection entities.

13. The use of FEMA-compliant flood vents allows for reduced premiums under the National Flood Insurance Program (NFIP).

14. Through advertising and other means such as seminars and classes, including through its website [www.floodproofing.com](http://www.floodproofing.com), Floodproofing.com has been knowingly falsely telling the marketplace that CSD’s vents are non-engineered, non- FEMA and NFIP compliant, and that therefore will not qualify for a reduction in flood insurance rates and, in addition, will fail and cause structural damage to homes and other structures.

15. CSD’s flood vents are in fact FEMA and NFIP compliant. *Smartvent v. Crawl Space Doors*, Case No. 1:13cv05691, DKT. 94 (D.N.J. August 16, 2016). Floodproofing.com is aware of this fact.

16. Despite that knowledge Floodproofing.com has been and continues to intentionally provide false information to customers of Crawl Space and to potential customers of Floodproofing.com as well as other members of the community involved in the regulation and

remediation of flood protection and flooding events including inspectors charged with certifying buildings for reduced insurance rates.

17. Because flood vents are sold throughout the United States, the actions by Floodproofing.com took place and are continuing to take place in interstate commerce.

**COUNT I  
VIOLATION OF 15 U.S.C. § 1125**

18. Crawl Space hereby realleges and incorporates by reference the allegations of preceding paragraphs as if fully set forth herein.

19. Floodproofing.com, by and through the actions above, has been and continues to violate 15 U.S.C. § 1125.

20. Crawl Space and consumers of flood vents and flood insurance have been and will continue to be directly harmed by the acts of Floodproofing.com. Floodproofing.com further harms the entities charged with regulation of flood protection and prevention.

**PRAYER FOR RELIEF**

WHEREFORE, Crawl Space Doors prays for judgment against Defendant and for the following relief:

- A. A declaration that the conduct alleged herein is in violation of 15 U.S.C. § 1125.
- B. Permanent injunctive relief (i) enjoining Defendant from continuing their illegal conduct; and (ii) requiring Defendants to take affirmative steps to dissipate the continuing effects of their prior unlawful conduct;
- C. An award of Plaintiffs' damages as provided for under 15 U.S.C. § 1117, in an amount to be determined at trial;
- D. An award of Plaintiffs' costs of suit, including reasonable attorneys' fees as provided by law; and

E. Such other and further relief as the Court deems just and proper.

**TRIAL BY JURY DEMANDED**

CRAWL SPACE DOOR SYSTEM, INC.

By: /s/ Duncan G. Byers  
Of Counsel

Dated: June 24, 2020

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